



Dennis J. Duffin
Director

AO-10

The Commonwealth of Massachusetts

Office of
Campaign & Political Finance
One Ashburton Place, Boston 02108
727-8352

April 22, 1986
AO-86-10

Mr. Jonathan White
561 Webster Street
Needham, MA 02194

Dear Mr. White:

This is in response to your recent request for an advisory opinion concerning the application of M.G.L. c. 55, the campaign finance law of James E. Brothers, candidate and the Committee to Elect James E. Brothers.

You have stated that Mr. Brothers is employed by the Massachusetts Parole Board as a State Parole Officer in Suffolk County. He is a candidate for the State House of Representatives, 13th Norfolk District. The Committee to Elect James E. Brothers has been organized on behalf of Mr. Brothers' candidacy.

Section 13 of Chapter 55 provides, in relevant part,

"No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee or for any political purpose whatever..."

While public employees may not solicit or receive anything of value for any political purpose, including their own candidacy, a political committee may be established on behalf of a public employee candidate. However, such a political committee may not solicit or receive contributions "from any person or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has an interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is the subject of his official responsibility."

Your specific questions relative to this section of the law, and the appropriate answers are set forth below.

1. Does Section 13 prohibit the Committee to Elect James Brothers from soliciting or receiving contributions from all parolees under the supervision of the Massachusetts Parole Board, or is it limited to parolees

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under Mr. Brothers' direct supervision?

In my opinion, the prohibition contained in section 13 prohibits the Committee to Elect James Brothers from soliciting or receiving contributions from any parolee who is under the direct supervision of Mr. Brothers, as well as any parolee who is under the supervision of a public employee over whom Mr. Brothers has direct authority.

2. Does this prohibition from intentional solicitation or receipt by the Committee extend to any others such as the members of a parolee's family?

This prohibition applies only to those persons described in answer number 1.

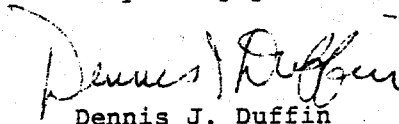
3. Can Mr. Brothers be present in the same room while members of The Committee solicit or receive money or things of value from persons in that room?

Yes. In my opinion, the mere presence of Mr. Brothers in the same room could not be construed as direct or indirect solicitation by him.

4. Can Mr. Brothers speak to a person or a group about matters other than campaign finances and shortly thereafter a member of the committee speak to the same group on the subject of campaign finances?

Yes. However, Mr. Brothers should not himself solicit or receive any contributions.

Very truly yours,


Dennis J. Duffin
Director

DJD/rep